



# State Water Resources Control Board



**Linda S. Adams**  
Secretary for  
Environmental Protection

**Division of Water Rights**  
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**Arnold Schwarzenegger**  
Governor

**NOTICE OF PETITION FOR TEMPORARY CHANGE  
INVOLVING THE TRANSFER OF UP TO 653 ACRE-FEET OF WATER  
FROM GOOSE CLUB FARMS  
TO EIGHT STATE WATER CONTRACTOR AGENCIES  
UNDER LICENSE 8267 (APPLICATION 3206)**

Notice is hereby given that on April 14, 2010

Goose Club Farms  
c/o Marc Van Camp  
MBK Engineers  
1771 Tribute Road, Suite A  
Sacramento, CA 95815

filed with the State Water Resources Control Board (State Water Board) a Petition for Temporary Change under Water Code section 1725, et seq. Goose Club Farm's (GCF) petition requests the transfer of up to 653 acre-feet (af) of water to eight State Water Contractor Agencies. Water would be used within the State Water Project (SWP) service area. Temporary changes approved pursuant to Water Code section 1725 may be effective for up to one year from the date of approval.

## **DESCRIPTION OF THE TRANSFER**

GCF proposes to transfer up to 653 af of water under License 8267 (Application 3206) to the Antelope Valley-East Kern Water Agency, the Dudley Ridge Water District, the Kern County Water Agency, the Metropolitan Water District of Southern California, the Napa County Flood Control and Water Conservation District, the Oak Flat Water District, the Palmdale Water District, and the San Bernardino Valley Municipal Water District (hereinafter collectively referred to as the Agencies). Water would be made available through crop shifting on 60 acres and idling of 561.9 acres. This idling/shifting will result in a reduction in consumptive use of surface water by GCF from the consumptive use which would occur absent the proposed crop idling/shifting. The saved water will be made available on the same schedule that the water would have been consumptively used by the crops idled/shifted in accordance with the evapotranspiration of applied water pattern established by the Department of Water Resources (DWR). The petition states that specific information regarding the proposed crop idling/shifting has been submitted to DWR and the United States Bureau of Reclamation for review. Specific information regarding GCF's historical cropping patterns is contained in the petition and is posted online with the copy of this notice on the Division of Water Rights' website at:

[www.waterboards.ca.gov/waterrights/water\\_issues/programs/applications/transfers\\_tu\\_notices/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/transfers_tu_notices/).

**California Environmental Protection Agency**

The proposed crop idling/shifting would result in additional flow in the Feather River, thence the Sacramento River thence the San Francisco Bay/Sacramento-San Joaquin Delta and would be available for rediversion at the SWP's Banks Pumping Plant and Barker Slough Pumping Plant for delivery to the Agencies. The petition requests that the change be effective from July 1 through September 30, 2010.

### **PROPOSED TEMPORARY CHANGE**

The proposed transfer would temporarily add the SWP's Banks Pumping Plant and Barker Slough Pumping Plant as points of rediversion to License 8267. The service area of the SWP would also be temporarily added to the place of use under License 8267. The SWP points of rediversion and service area are identified on Maps 1878-1, 2, 3 & 4 on file with the State Water Board Division of Water Rights under Application 5629. Domestic, municipal and industrial, salinity control, fish and wildlife enhancement, and water quality control would be temporarily added as purposes of use under License 8267.

### **PETITIONER'S WATER RIGHTS**

License 8267 (Application 3206) authorizes the direct diversion of up to 20.3 cfs of water per annum from the Feather River and Sacramento Slough between April 1 and October 15 of each year for irrigation purposes. The authorized points of diversion for License 8267 are located on the Feather River and Sacramento Slough. The authorized place of use consists of 3,029 acres net within a gross area of 3,499.6 acres.

### **COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Temporary changes involving the transfer of water that was previously stored are exempt from the requirements of the California Environmental Quality Act (CEQA). However, the State Water Board must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses.

### **STATE WATER RESOURCES CONTROL BOARD'S STATUTORY PROVISIONS**

Pursuant to Water Code sections 1725, et seq., the State Water Board is authorized to issue temporary change orders, allowing the transfer or exchange of water or water rights after completing an evaluation and finding that the proposed temporary changes:

1. Involve only water that would otherwise have been consumptively used, stored, or conserved pursuant to Water Code section 1011, by Permittee;
2. Would not injure any legal user of the water; and

3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses.

If the State Water Board cannot satisfy, in a timely manner, the provisions of Water Code section 1725, et. seq., then the State Water Board may deny the petition or schedule and notice a hearing regarding the proposed transfer or exchange of water.

### **OPPORTUNITY FOR COMMENT**

Pursuant to the requirements outlined above, the State Water Board is seeking information to assist in the evaluation of the proposed temporary change of water rights. Any person may file comments concerning the petition for temporary change. The comments must address the required findings set forth above. The petitioner has the burden of establishing that the proposed temporary change will not injure any legal user of water, or unreasonably affect fish, wildlife, or instream beneficial uses. If the State Water Board determines that the petitioner has established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1727). While such a determination has not been made in this case, commenters should provide sufficient information to support claims of injury or effects on fish, wildlife, or other instream uses.

Due to the relative brevity of the temporary transfer process, the Division of Water Rights (if necessary) may request that the petitioner submit additional information during the comment period. Any such requests and any additional information submitted by the petitioner regarding this proposed temporary change **during the comment period** will be posted with this notice on the Division of Water Rights' website at:

[www.waterboards.ca.gov/waterrights/water\\_issues/programs/applications/transfers\\_tu\\_notices/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/transfers_tu_notices/).

Potential commenters are strongly urged to check the website for such information prior to filing a comment. Comments filed in response to this notice must be received in the office of the State Water Board's Division of Water Rights, at the first address listed below by **2:00 p.m. on June 14, 2010**. Additionally, a copy of the comments must be filed with GCF. **Comments must be accompanied by proof of service of a separate copy of the materials on the petitioner.** Interested parties are encouraged to file comments by FAX and to notify the following contact persons by telephone of any materials that will be submitted. An original copy of all materials, however, must be received for the State Water Board to consider your comments.

Notice of Petition for Temporary Change  
Application 3206  
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Division of Water Rights  
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P.O. Box 2000  
Sacramento, CA 95812-2000  
FAX: (916) 341-5400

Goose Club Farms  
c/o Marc Van Camp  
MBK Engineers  
1771 Tribute Road, Suite A  
Sacramento, CA 95815  
FAX: (916) 456-0253

Please address questions about this notice to Greg Wilson at (916) 341-5427. Questions regarding the petitioner should be addressed to Marc Van Camp at (916) 456-4400.

*Original signed by*

Leslie F. Grober, Manager  
Hearings and Special Programs Section

Dated: **May 10, 2010**